

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-16-0127  
07-CR-16-381

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**State of Minnesota,**  
Plaintiff,

**COMPLAINT**  
Summons

vs.

**ERIC DAVID ELWELL DOB: 03/12/1984**

236 Rice Creek Blvd  
Fridley, MN 55432

Defendant.

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The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Financial Transaction Card Fraud-Use-No Consent**

Minnesota Statute: 609.821.2(1), with reference to: 609.821.3(a)(1)(v)

Maximum Sentence: 1 year and/or \$3000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 12/07/2015

Control #(ICR#): 15003012

Charge Description: Eric David Elwell

On or about December 7, 2015, in the County of Blue Earth, said Defendant, Eric David Elwell did without the consent of the cardholder and knowing that the cardholder has not given consent, used or attempted to use a card to obtain the property of another.

## STATEMENT OF PROBABLE CAUSE

On December 8, 2015 at approximately 11:35 AM, Chief John Kopp of the Eagle Lake Police Department was dispatched to a burglary complaint in the City of Eagle Lake. Upon arriving at the scene, Chief Kopp met with the victim, V1. V1 explained to Chief Kopp that someone had broken into his residence and stole his wallet which contained approximately \$30 in cash, his bank debit card and a couple of credit cards. V1 stated that the burglary occurred sometime after 7:30 AM on December 7, 2015.

V1 stated that whoever broke in used the side door. Chief Kopp looked at the side door and noted a pry mark on the door. V1 provided Chief Kopp with a printout from his bank of the transactions on his debit card relating to the date the card was stolen. Chief Kopp advised that he would follow up with the stores where the card was used.

Chief Kopp met with an employee of V1's bank and was given a printout of the transactions from V1's debit card. Chief Kopp then contacted the businesses at which the card was used. The card was used at Arby's in Plymouth, Cub Foods in Plymouth, Wal-Mart in Mankato and Home Depot in Mankato.

Chief Kopp received video surveillance from Wal-Mart. The surveillance shows two younger white males, later identified as Andrew James Hagen and Eric David Elwell. The surveillance shows a white male making a transaction with V1's card. This male was identified as Hagen by W2. W2 identified the second white male as Elwell.

Chief Kopp also showed W2 a surveillance photo of a male at Cub Foods. W2 identified this male as Elwell. Elwell made a transaction with V1's card at Cub Foods.

Chief Kopp reviewed surveillance footage from Home Depot and it appeared that Hagen was making purchases on V1's card.

Chief Kopp spoke with both Elwell and Hagen. Both of them denied any involvement.

Hagen made unauthorized purchases totaling \$230.99 on V1's debit card. Elwell made unauthorized purchases totaling \$21.27 on the V1's debit card.

## SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

**Complainant**

John Kopp  
Chief of Police  
705 Parkway Ave.  
Eagle Lake, MN 56024  
Badge: 4371

Electronically Signed:  
01/29/2016 02:21 PM  
Blue Earth County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

**Prosecuting Attorney**

Michael Hanson  
Assistant County Attorney  
401 Carver Road  
PO Box 3129  
Mankato, MN 56002  
(507) 304-4600

Electronically Signed:  
01/29/2016 09:26 AM

**FINDING OF PROBABLE CAUSE**

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

**SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on **February 25, 2016 at 2:30 PM** before the above-named court at 401 Carver Rd, Mankato, MN 56002-0347 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

*Execute in MN Only*

*Execute Nationwide*

*Execute in Border States*

**ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$  
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: January 29, 2016.

**Judicial Officer** Greg Anderson  
District Court Judge

Electronically Signed: 01/29/2016 02:54 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF BLUE EARTH  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**ERIC DAVID ELWELL**

Defendant

**LAW ENFORCEMENT OFFICER RETURN OF SERVICE**  
*I hereby Certify and Return that I have served a copy of this  
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent: